

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-070746
		C-070747
Plaintiff-Appellant,	:	TRIAL NOS. 07TRC-19709A
		07TRC-19709B
vs.	:	
AMANDA ADAMSON,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Plaintiff-appellant the state of Ohio presents on appeal a single assignment of error, challenging the Hamilton County Municipal Court's judgment granting defendant-appellee Amanda Adamson's motion to suppress evidence obtained from her arrest for operating a motor vehicle under the influence of alcohol in violation of R.C. 4511.19(A)(1)(a). We reverse the court's judgment.

Adamson was arrested following a two-car collision. A Cincinnati police officer who had witnessed the accident absolved Adamson of any responsibility for it. But a second police officer, who had been dispatched to complete an accident report, arrested Adamson for driving under the influence of alcohol, based upon Adamson's

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

bloodshot eyes, the odor of alcohol about her person, her admitted consumption of alcohol, and her performance on field-sobriety tests.

The municipal court granted Adamson's motion to suppress upon its determination that the arresting officer had lacked probable cause to arrest her. We conclude to the contrary, based upon our examination of the facts and circumstances surrounding the arrest, that the officer had probable cause to arrest Adamson, when he acted upon information sufficient to cause a prudent person to believe that she had been driving under the influence of alcohol.²

Adamson's arrest was effected in conformity with the Fourth Amendment to the United States Constitution. We, therefore, hold that the trial court erred in granting her motion to suppress. Accordingly, we sustain the state's assignment of error, reverse the trial court's judgment, and remand this case for further proceedings.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 22, 2008
per order of the Court _____.
Presiding Judge

² See *Beck v. Ohio* (1964), 379 U.S. 89, 91, 85 S.Ct. 223; *State v. Homan* (2000), 89 Ohio St.3d 421, 427, 2000-Ohio-212, 732 N.E.2d 952.